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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,695	03/04/2002	Yuichi Sato	1086.1157	2823

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

KOROBOV, VITALIA

ART UNIT PAPER NUMBER

2155

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/086,695

Applicant(s)

SATO ET AL.

Examiner

Vitali Korobov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/08/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **Response to Amendment**

1. This Office Action is in response to the amendment filed on 12/20/2005. Claims 1-4, 7-15 and 17 were amended. Claim 16 was cancelled. New claim 18 was added. Claims 1-15, 17 and 18 are pending in this Office Action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-15, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the second paragraph of the claim, previously presented as part of "a data distribution step which includes...", is now presented as a self-contained process resulting in construction of a distribution route, thereby introducing material change of scope. In the present form of claim 1, the second paragraph limitation "informing remaining conferee peers that said data distributed conferee peer is a mirror of said remaining conferee peers" asserts that a peer that has data is a mirror of a peer that does not. This assertion contradicts definition of a data "mirror", and renders claim 1 indefinite in the context of the amended claim 1.

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Claim 15 is essentially the same as claims 1, except that it sets forth the invention as a system, rather than a method, as does claim 1. Therefore, claim 15 is rejected for the same reason as the above rejected claim 1.

Claim 17 is essentially the same as claims 1, except that it sets forth the invention as a computer readable record medium, rather than a method, as does claim 1. Therefore, claim 17 is rejected for the same reason as the above rejected claim 1.

All dependent claims are rejected as having the same deficiencies as the claims they depend from.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

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35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U. S. Patent 6,772,229 to Achacoso et al. (hereinafter Achacoso) in view of the U. S. Patent 6,640,241 to Ozzie et al. (hereinafter Ozzie).

Regarding claim 1, Achacoso teaches a collaboration method comprising: sending an electronic mail to a plurality of conferee peers, said electronic mail having a URL of a conference host peer described thereon for automatically taking part in a conference by clicking once (Achacoso, col. 8, lines 63-67 and col. 9, lines 1-2);

Achacoso does not explicitly teach that the collaboration method is effected through a peer-to-peer network.

However, Ozzie teaches a server-based collaboration method (Ozzie, fig.3, clients 306, collaborating through server 310) in combination with a collaboration method effected through a peer-to-peer network (Ozzie, fig. 3, network of peers 312, peers 314A-314D).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the conference notification techniques of Achacoso with a collaboration method effected through a peer-to-peer network taught by Ozzie to reduce the workload on the server.

Achacoso further does not explicitly teach searching a conferee peer at a shortest time location through communication tests from said conference host

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peer to distribute data, and, after distribution of data, informing remaining conferee peers that said data distributed conferee peer is a mirror of said remaining conferee peers, and searching a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror to distribute data, the above processes being repeated until data distribution completes, thereby constructing a distribution route via one or a plurality of other conferee peers serving as said mirror between said conference host peer and particular conferee peers.

However, Ozzie teaches searching a conferee peer at a shortest time location through communication tests from said conference host peer to distribute data (Col. 22, lines 11-18 – latency inquires from peer units and latency routing determination performed by the peer units), and, after distribution of data, informing remaining conferee peers that said data distributed conferee peer is a mirror of said remaining conferee peers (Col. 8, lines 59-64 – data distribution and replication (mirroring) between peers), and searching a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror to distribute data, the above processes being repeated until data distribution completes, thereby constructing a distribution route via one or a plurality of other conferee peers serving as said mirror between said conference host peer and particular conferee peers. (Col. 22, lines 11-18 – latency inquires from peer units and latency routing determination performed by the peer units).

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It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the conference notification techniques of Achacoso with latency inquiries performed by the peer units and latency routing determination performed by the peers of Ozzie in order to allow users at various remote sites to share and edit documents on a peer-to-peer basis, while maintaining consistent copies of the documents at local sites. (Ozzie, col. 3, lines 48-56).

Regarding claim 2, Achacoso teaches the method according to claim 1, wherein in said sending an electronic mail, said URL includes an HTML file and said HTML file has a URL of said host peer for use in peer connection (Achacoso, col. 8, lines 63-67 and col. 9, lines 1-2 – distribution of the address book of the peers).

Regarding claim 3, Achacoso teaches the method according to claim 2, wherein in said sending an electronic mail, said URL described on said electronic mail includes a URL of an Internet service provider that dynamically allocates IP addresses, and said URL described on said HTML file is a temporary URL, for use in peer connection, allocated from said Internet service provider to said conference host peer (Achacoso, col. 9, lines 34-41, e-mail notification regarding URLs or other channels necessary for collaboration).

Regarding claim 4, Achacoso teaches the method according to claim 1, wherein in said sending an electronic mail, a specified time to start a conference and said URL are described on said electronic mail so that said conferee peers are kept on standby and activated at said specified time so as to allow said

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conferee peers to automatically take part in the conference (Achacoso, col. 9, lines 2-10 – group scheduling software).

Regarding claim 5, Achacoso teaches the method according to claim 1, wherein if there is a time lag with the mail sender side upon reception of an electronic mail, said conferee peer is activated at a specified time after correction of said time lag so as to allow said conferee peer to automatically take part in a conference (Achacoso, col. 13, lines 64-67 and col. 14, lines 1-4 – information input (such as conference notifications) are synchronized, using any appropriate data notification techniques. Col. 3, lines 54-57 – data necessary for participation is received automatically).

Regarding claim 6, Achacoso teaches the method according to claim 1, wherein if there is a time lag with the mail sender side upon reception of an electric mail, said conferee peer automatically corrects the system time of the mail receiver side into the system time of the mail sender side and activates at a specified time so as to allow said conferee peer to automatically take part in a conference (Achacoso, col. 13, lines 64-67 and col. 14, lines 1-4 – information input (such as conference notifications) are synchronized, using any appropriate data notification techniques. Col. 3, lines 54-57 – data necessary for participation is received automatically).

Regarding claim 7, Achacoso teaches the method according to claim 1, wherein in said searching a conferee peer, when a conferee peer to be a data requester receives a plurality of addresses of data distributors (Achacoso, col. 9, lines 1-2 – address book of the participants).

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Achacoso does not explicitly teach said conferee peer searches a data distributor at a shortest time location through a communication test to each data distributor and requests data distribution of said data distributor at a shortest time location.

However, Ozzie teaches said conferee peer searches a data distributor at a shortest time location through a communication test to each data distributor and requests data distribution of said data distributor at a shortest time location (Ozzie, col. 22, lines 11-18 - comparative least latency routing determinations performed by the peer units 802A-D).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the data distribution steps of Achacoso with a data distribution steps from a distributor at the shortest time location of Ozzie in order to reduce latency in the distribution of collaboration data.

Regarding claim 8, Achacoso teaches the method according to claim 1 or 7, wherein said searching a conferee peer includes allowing conference data as said data to be automatically distributed from said conference host peer to all conferee peers or to a conferee peer that made a request (Achacoso, col. 3, lines 54-57 – automatic distribution of data to participants. Col. 3, lines 34-38 – request-based distribution of data).

Regarding claim 9, Achacoso teaches the method according to claim 7.

Achacoso does not explicitly teach the additional limitations of claim 9, wherein said searching a conferee peer includes allowing conference data to be

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automatically distributed before the conference starts through connection of said conference host peer and said conferee peers.

However, Ozzie teaches the data distribution step wherein said searching a conferee peer includes allowing conference data to be automatically distributed before the conference starts through connection of said conference host peer and said conferee peers (Ozzie, col. 5, lines 39-44).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the data distribution steps of Achacoso with searching a conferee peer of Ozzie in order to provide the distribution of data in situations where the remote network-capable device in temporarily not connected to the network (Ozzie, col. 5, lines 39-40).

Regarding claim 10, Achacoso teaches the method according to claim 1 or 7, wherein said searching a conferee peer includes allowing a conference log of the previous conference to be automatically distributed as said data from said conference host peer to all conferee peers or a conferee peer that made a request (Achacoso, col. 5, lines 46-53 – distribution of notice that comprise at least a summary of the information input over preceding period).

Regarding claim 11, Achacoso teaches the method according to claim 10, wherein said searching a conferee peer includes allowing said conference log of the previous conference to be distributed from a certain peer to only conferee peers that took part halfway in the conference (Achacoso, col. 9, lines 43-49).

Regarding claim 12, Achacoso teaches the method according to claim 1.

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Achacoso does not explicitly teach the method further comprising: sharing any application currently running on a plurality of conferee peers inclusive of said conference host peer while a conference is being held, and free-hand drawing or entering notes onto images generated by said application.

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"Official Notice" is taken that the concept and the advantages of using free-hand drawings during group meetings such as peer collaborations is old and well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Achacoso by adding computerized writing tablet software to the suite of applications being shared. One of ordinary skills in the art would be motivated to do so in order to enhance the presentation capabilities of peers during conference participation.

Regarding claim 13, Achacoso teaches the method according to claim 12, wherein said sharing including uploading images containing free-hand drawing to a Web server so as to allow a browse by the browser. (Col. 9, lines 14-21 – use of stored pieces of information over via a channel, such as URL).

Regarding claim 14, Achacoso teaches the method according to claim 12, wherein said sharing includes arranging, on a Web screen to be browsed, URLs of conferee peers for automatically taking part in a conference only by clicking once (Achacoso, col. 9, lines 1-2 – address book of the participants; Ozzie, col. 8, lines 27-34, lines 44-46 – peers are represented by their URLs).

Claim 15 is essentially the same as claims 1, except that it sets forth the invention as a system, rather than a method, as does claim 1. Therefore, claim 15 is rejected for the same reason as the above rejected claim 1.

Claim 17 is essentially the same as claims 1, except that it sets forth the invention as a computer readable record medium, rather than a method, as does

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claim 1. Therefore, claim 17 is rejected for the same reason as the above rejected claim 1.

5. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Allowable Subject Matter***

6. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

If the Applicants choose to follow the Examiner's suggestion and incorporate claim 18 into claim 1 that it depends from, the Applicants should resolve any issues that presently render claim 1 indefinite, and should make sure that no insufficient antecedent basis issues are introduced as a result of such incorporation. In this case, the independent claims 15 and 17 should be either cancelled or amended to contain the subject matter of claim 18 that has been incorporated into claim 1, and the issues that presently render claims 15 and 17 indefinite should be resolved.

### ***Response to Arguments***

7. Applicant's arguments filed 12/20/2005 have been fully considered but they are not persuasive.

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The Applicants argue – *“Ozzie relates to a peer-to-peer communication, and describes nothing about the construction of a distribution route via one or a plurality of conferee peers serving as said mirror between said conference host peer and particular conferee peers, as recited in amended independent claim 1.”*

The Examiner respectfully disagrees and refers the Applicants to, for example, col. 4, lines 41-44, teaching sharing the deltas "among all the network-capable devices". According to claim 1, it is sufficient for the cited reference to share the deltas between just two peers. Once the deltas are shared and the data sets are synchronized, the peers become mirror copies of each other in terms of having the same data, just as claim 1 requires. Therefore, the rejection is respectfully maintained.

### **Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

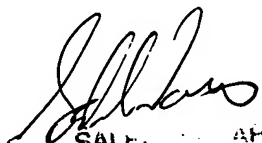
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov  
Examiner  
Art Unit 2155

VAK  
02/19/2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER